

Hearing Date: March 7th, 2018, at 9:30 a.m.
Objection Deadline: February 28, 2018.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

**THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO**

AS REPRESENTATIVE OF

**THE COMMONWEALTH OF PUERTO
RICO**

Debtor

PROMESA, Title III

Case No. 17-BK-3283 (LTS)

MOTION REQUESTING RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE COURT:

COMES NOW, Mitsubishi Motor Sales of Caribbean, Inc. (“MMSC”), plaintiff in a civil action filed before the Puerto Rico Court of First Instance, San Juan Section, civil action styled *Mitsubishi Motor Sales of Caribbean, Inc. v. Hon. Raul Maldonado Gautier, as Secretary of the Puerto Rico Treasury Department, et al.*, Civil No. KCO 2016-0026 (903), regarding a request for declaratory judgment and refund of excise taxes paid in excess by MMSC which has been stayed pursuant to Title III of PROMESA, by and through the undersigned legal counsel, seeking relief from the automatic stay to allow the continuation of the above-mentioned civil action, on the grounds that there is cause under Section 362(d)(1) of the United States Bankruptcy Code (“USBC”) to lift the stay as to the entering of a declaratory judgment since it only entails a pronouncement from the Court regarding applicable Law, and that there is also cause under the same section of the USBC regarding the refund of excise taxes paid in excess by MMSC, in as much as the local court can be specifically directed that the lift from the automatic stay be solely permitted for the refund of excise taxes paid in excess by MMSC in the form of a

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credit granted to MMSC for the payment of future excise taxes to the Puerto Rico Treasury Department.

A Memorandum in support of this Motion is included herein. A proposed Order is also included herein.

RESPECTFULLY SUBMITTED.

CERTIFICATION

MMSC AND THE UNDERSIGNED CERTIFY that on October 6, 2017, MMSC gave notice to the Financial Oversight and Management Board for Puerto Rico (“FOMB”) and to the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) of its intent to seek relief from the automatic stay, in compliance with the requirements of the “Second Amended Notice, Case Management and Administrative Procedures” and, on October 27, 2017, MMSC received a response from legal counsel for the Justice Department/Commonwealth of Puerto Rico, declining MMSC’s request to modify the stay “*due to the early procedural stage of the action*”. Consequently, after having complied with the corresponding requirements, MMSC herein respectfully appears before this Honorable Bankruptcy Court requesting relief from the automatic stay pursuant to Section 362 of the USBC, 11 U.S.C § 362.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on his same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case. We further certify that, on this same date, we served the foregoing upon all the Standard Parties as identified and defined at ¶ II of the PR USDC’s CMP Order, as amended on October 24, 2017 (Docket No. 1512 of Case No. 17-03283) “Third Amended Notice, Case Management and Administrative Procedures”.

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In San Juan, Puerto Rico, this 13th day of February 2018.

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